

PORTSMOUTH WATER DEPARTMENT

**Hearing On Violation of Underground Utility Damage Prevention
Program**

**Order to Show Cause Why Portsmouth Water Department
Should Not Be Held Liable For Penalties Assessed;
Cost of Repair and Expenditures Incurred;
and, Whether Additional Penalties Should Be Imposed**

O R D E R N O. 23,553

September 12, 2000

On April 19, 2000, Northern Utilities, Inc. (NU), in accordance with Puc 803.02(e), Underground Utility Damage Prevention Program, filed a Report of Probable Violation of Underground Utility Damage Prevention Program and/or Damage to Underground Facilities (Report). The Report alleged that on April 19, 2000 the Portsmouth Water Department (Portsmouth Water) caused damage to a 1 1/4" plastic service/intermediate pressure at 48 Ball Street, Portsmouth, New Hampshire within the boundaries of marked facilities which would constitute a probable violation of RSA 374:55.

On June 30, 2000, the Safety Division of the New Hampshire Public Utilities Commission (Commission), pursuant to Puc 805.01, issued a Notice of Probable Violation Control No. 00013 (NOPV) by certified mail, referencing RSA 374:55, to Portsmouth Water. Portsmouth Water responded with a letter dated July 10, 2000, requesting an informal conference. The conference was held on August 7, 2000 at the Commission

offices. Investigation by the Safety Division found that Mr. James Thyng of the Safety Division had been at the site to review the incident on April 20, 2000. It is Mr. Thyng's opinion that the facility in question had been marked.

Based upon the information submitted by all parties at the informal conference, the Safety Division, pursuant to Puc 805.03, issued a Notice of Violation #00013V (NOV) on August 14, 2000 by certified mail, assessing a fine of one hundred dollars (\$100.00). Pursuant to Puc 805.04(a), Portsmouth Water had 10 days to respond.

On August 23, 2000, pursuant to Puc 805.04(a), Portsmouth Water filed a request in writing for a hearing before the commission.

Based upon the foregoing, it is hereby

ORDERED, that Portsmouth Water appear before the New Hampshire Public Utilities Commission at its offices at 8 Old Suncook Road, Concord, New Hampshire at 1:30 p.m. on October 5, 2000, to show cause why Portsmouth Water should not be held liable for penalties up to five hundred dollars (\$500.00) and the cost of repairs pursuant to RSA 374:55, IV-a, and expenditures to collect the penalty pursuant to RSA 374:55,V; and it is

FURTHER ORDERED, that a copy of this Order shall be sent by first class mail, postage prepaid, to Northern Utilities, Inc., and NU shall be prepared to appear at the hearing, and provide such records and testimony as are pertinent to this matter.

By order of the Public Utilities Commission of New Hampshire this twelfth day of September, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary